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Attorney for Plaintiff
JOEL RICHARDSON

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JOEL RICHARDSON,

Plaintiff,

vs.

TESLA, INC., dba TESLA MOTORS, INC.,
TESLA FINANCE; and DOES 1-100,
inclusive,

Defendants.

Case No. 3:24-cv-00209-RFL

**PLAINTIFF'S STATEMENT OF NON-
OPPOSITION TO DEFENDANT TESLA'S
REQUEST FOR ARBITRATION**

**Hon. Rita F. Lin
Courtroom 15-18th Floor
Hearing Date: July 16, 2024
Time: 10:00 a.m.**

COMES NOW Plaintiff, by and through his counsel of record, Benjamin Michael Brees and files this Statement of Non-Opposition to TESLA's Request for Arbitration.

I. Plaintiff Is Not Opposed to Arbitration Conditioned on Tesla Paying All Fees and Arbitration Occurring in San Diego, California.

Plaintiff filed his Complaint in San Diego Superior Court on October 28, 2022. Tesla filed a motion to have the case removed to the Southern District of California. Tesla then had this case removed to the Northern District of California. All this time, Tesla never filed never moved for arbitration until now.

Tesla's November 21, 2023, email from Alan E. Shoenfeld, Esq. was responded to on November 23, 2023. Counsel for Plaintiff informed Mr. Alan E. Shoenfeld, Esq. that he was not aware of any arbitration agreement. Counsel Brees also asked if Tesla would object to an amendment of the complaint and to remand the case to State Court in San Diego.

Counsel had intended to oppose the motion to compel arbitration based on untimeliness but after reviewing *In re Tesla Advanced Driver Assistance Sys. Litig.*, , 2023 U.S. Lexis 176556* 2023; WL 6391477.

The Court has stated the opposition was due on June 18, 2024, but Plaintiff was served by US Mail (Docket 33) per the proof of service which arrived at our office, thus Plaintiff believed that the Opposition was due 14 days after service, plus 4 days for mailing, but since the 22 of June was on a Saturday, the opposition would be due on June 24, 2024.

Respectfully submitted,

Dated: June 24, 2024



Benjamin M. Brees
Attorney for Plaintiff
JOEL RICHARDSON